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*Common-Sense in Law.* By PAUL VINOGRADOFF. New York: Henry Holt & Co. Pp. 256. \$0.50.

This volume is an interesting discussion of the nature, sources, and methods of the common law and its place in the social order. Its method and scope are adapted to the needs of the general reader rather than to the professional legal student.

In the first two chapters the author deals with social and legal rules, pointing out that jurisprudence is a social science, since law forms a basis for the co-operation necessary to every phase of social progress. The author, rejecting previous definitions of the law, defines it as "a set of rules imposed and enforced by a society with regard to the attribution and exercise of power over persons and things" (p. 59). This he regards as much more comprehensive and as laying "stress on the purpose of law rather than on the means by which law is enforced." Direct sanction is not necessary to the existence of legal rules, as the voluntary recognition by the persons concerned is deemed sufficient. The distinction between moral and legal rule is that in the former one subjects his will to the dictates of his conscience, whereas in the latter he submits to the will of an organized society.

In the two succeeding chapters follows an orthodox discussion of "Legal Rights and Duties" and a very excellent account of "Facts and Acts in Law." The latter contains a very lucid statement of how the law, in dealing with complicated and intangible matters such as questions of intent, must ignore some facts that logically may be pertinent and substitute legal presumptions for some others. In the next three chapters, the legal sources of the law, legislation, custom, and precedent are considered. The vital relationship between legislation and judicial construction is ably set forth, though the writer singularly omits any reference to the peculiar importance of legislation as a modern legal source because of its abrogative and prospective elements, and because it makes possible the division of labor and expert investigation so necessary to the legal solution of modern economic and social problems. In discussing custom and precedent the scientific character of the law is duly emphasized. The modern viewpoint is accepted that in developing the common law the courts create rather than discover legal principles.

In the concluding chapters dealing with equity and natural law, the conflicting needs for more law and a larger discretion in legal administration are admirably stated, the conclusion being, that in extending law

to meet new conditions of modern life, a certain discretion in its application must be preserved, else the legal system will be reduced to "hopeless formalism and intolerable pedantry." Upon the careful adjustment of these conflicting notions depends the vitality of the law. The law of nature is not a legal source, nor could it be, since its ideals and conceptions are so shifting that it would lack the certainty and definiteness so necessary to legal rules. Its function today is to afford a basis for the criticism of positive law in the light of present-day moral and social ideas to which the positive law must ultimately conform.

As an elementary discussion of the methods and nature of our legal system this volume should serve a useful purpose. It is scientific, accurate, and readable. Coming, as it does, at a time when our legal system seems threatened with popular disapproval based largely upon an ignorance of the nature and necessity of law, it should help materially in securing a more enlightened basis for popular legal criticism and appreciation.

ARNOLD BENNETT HALL

UNIVERSITY OF WISCONSIN

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*Social Justice without Socialism.* By JOHN BATES CLARK. New York: Houghton Mifflin Co., 1914. Pp. 49. \$0.50.

This little volume contains the author's lecture delivered at the University of California on the Barbara Weinstock Foundation. The lecturer seeks "a golden mean between letting the state do nothing and asking it to do everything" (p. 5). He believes that private initiative, stimulated by competition, is the most effective way to increase the production of wealth. With increasing population progress in power of production is essential to human happiness. To supplant private initiative by public monopoly is to reduce production and that would be an unjust act to all society.

The evils of the present system are not inherent, and their elimination through more effective government offers a program of social justice quite as attractive and inspiring as, and more practicable and assuring than, Socialism. The evils which should be eliminated are overworked and unpaid labor, dangerous machinery and preventable disease, taxation discriminatory against the poor, unemployment, wasted natural resources, inefficient public utilities, child labor, delays and cost of legal justice, lack of protection for small investments in productive enterprise, private monopoly, and unfair forms of competition. With